

**Congress of the United States**  
**House of Representatives**  
March 15, 2011

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GEN'L  
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The Honorable Julius Genachowski  
Chairman, Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Dear Chairman Genachowski:

**I am writing to request the Federal Communications Commission's (FCC) assistance in resolving CC Docket No 96.45.**

Several residents of Michigan's First Congressional District have been waiting to receive telecommunication services for years. These people live in "unassigned" areas, meaning they are unable to access 911 services, basic telephone systems, and have been disenfranchised from participating in the digital economy. The reason for the delay appears to be rooted in the FCC's failure to resolve a docket that was initiated more than three years ago.

CC Docket 96-45: In the Matter of Osirus Communications, Inc. Petition for Waivers of the Commission's Rules to Participate in NECA Pools and Tariffs and to Obtain Accelerated Universal Service Fund Support involves three companies that have requested to serve all, or part, of the unassigned areas. Based on my office's research, it appears that all of these companies are prepared to bring service to these homes and are waiting for the FCC's to assign an incumbent local exchange carrier (ILEC) to these areas.

It is imperative that CC Docket No. 96.45 not be allowed to languish any longer, regardless of the company chosen. The households being denied access to even the most basic telephone services have waited long enough. **I respectfully request that you direct your staff to bring this docket to a conclusion without further delay.** If you have any questions regarding this request, please do not hesitate to contact Thom Hadfield at [thomas.hadfield@mail.house.gov](mailto:thomas.hadfield@mail.house.gov).

Sincerely,



Dan Benishek M.D.  
Member of Congress  
Michigan's First District

31 MAR 2011 RCUD



FEDERAL COMMUNICATIONS COMMISSION

June 6, 2011

JULIUS GENACHOWSKI  
CHAIRMAN

The Honorable Dan Benishek  
U.S. House of Representatives  
514 Cannon House Office Building  
Washington, D.C. 20515

Dear Congressman Benishek:

Thank you for your letter regarding a petition filed by Osirus Communications, Inc. The petition requests that the Commission designate it as an incumbent local exchange carrier (ILEC) in the state of Michigan to enable it to become a member of the National Exchange Carrier Association (NECA), to participate in NECA tariffs and pools, and to begin collecting high-cost universal service support. As you may know, there are two other carriers in Michigan seeking ILEC status for the same unserved areas. It is highly unusual for the Commission to choose among competing carriers seeking ILEC status, an issue more appropriately and typically decided at the state level.

The Osirus petition raises important but complex issues, including how to ensure that consumers in high-cost areas of the country have access to modern communications networks, how to achieve that goal in a fiscally responsible manner, what to do when multiple providers seek to serve the same high-cost area, and the roles of the states and federal government in addressing these challenges.

Earlier this year, the Commission initiated a proceeding to modernize the Universal Service Fund and intercarrier compensation systems to meet the nation's broadband availability challenge. That proceeding, which is on an aggressive schedule, seeks comment on each of the issues raised by the Osirus petition. Once that proceeding is concluded, we will be in a position to address the petition. A copy of your letter is being entered into the record of the proceeding and we will keep you apprised of our work to resolve these important issues.

Thank you for your interest in this important matter and please do not hesitate to contact me if I can be of further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to be "J. Genachowski", written over a horizontal line.

Julius Genachowski